

**United States District Court****for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Brian Vince Botzon Case Number: 0980 2:00CR00216-RHW-1  
Address of Offender: , Spokane Valley, Washington 99206  
Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge  
Date of Original Sentence: March 8, 2002  
Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113(d)  
Original Sentence: Prison - 140 months; Type of Supervision: Supervised Release  
TSR - 60 months  
Revocation Sentence: Prison - 14 months;  
TSR - 46 months  
(11/9/2012)  
Asst. U.S. Attorney: Joseph H. Harrington Date Supervision Commenced: September 18, 2013  
Defense Attorney: Meredith B. Esser Date Supervision Expires: July 17, 2017

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**PETITIONING THE COURT**
**To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Special Condition # 14:</u></b> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.</p> <p><b><u>Supporting Evidence:</u></b> On November 15, 2016, the undersigned officer received notification from Alcohol Drug Education Prevention and Treatment (ADEPT) that Mr. Botzon failed to appear for his random scheduled urinalysis and Breathalyzer tests previously scheduled for November 14, 2016. On November 17, 2016, Mr. Botzon reported to U.S. Probation and admitted to missing the test, indicating that he was unable to find transportation.</p>
2	<p><b><u>Special Condition # 20:</u></b> You shall undergo a substance abuse evaluation and, if indicated by a licensed / certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.</p>

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**Supporting Evidence:** On November 15, 2016, the undersigned officer received notification from ADEPT staff who indicated that the client was being unsuccessfully discharged from outpatient chemical dependency services effective immediately due to the client's continued use of alcohol and his consistent failure to attend classes as required. According to the most recent monthly treatment report on file, the client missed a total of 8 treatment sessions out of 12 in October 2016, alone.

- 3 **Special Condition # 22:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** On November 15, 2016, the U.S. Probation Office in Spokane received notification from ADEPT that the client had reported to their facility on that date to provide a urinalysis and a Breathalyzer sample for testing, after missing his previously scheduled test with the provider set to occur on November 14, 2016. ADEPT staff indicated that as a part of the test, the client had provided a positive sample for Breathalyzer testing that was confirmed as being a .04.

On November 17, 2016, the client reported to U.S. Probation in order to address his continued noncompliance. As a part of the meeting, he admitted to again recently using alcohol "last night." He signed a drug use admission form documenting his most recent use of alcohol on November 16, 2016.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 23, 2016


s/ Chris Heinen

Chris Heinen  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☒ The Issuance of a Summons  
☐ Other

  
 Signature of Judicial Officer

11/29/2016

Date